

U.S. District Court
Eastern District of Missouri (St. Louis)
CIVIL DOCKET FOR CASE #: 4:25-cv-00999-MTS
Internal Use Only

The People of the State of California v. 23andMe Holding Co. Date Filed: 07/07/2025
Assigned to: District Judge Matthew T. Schelp Jury Demand: None
Member cases: Nature of Suit: 422 Bankruptcy Appeal
4:25-cv-01001-MTS (801)
4:25-cv-01002-MTS Jurisdiction: Federal Question

Case in other court: U.S. Bankruptcy Court, Eastern District of
MO, 25-40976

Cause: 28:0158 Notice of Appeal re Bankruptcy Matter (BA

Appellant

The People of the State of California

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V.

Appellee

23andMe Holding Co.
doing business as
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Email All Attorneys
(will not send to terminated parties)

Email All Attorneys and Additional Recipients
(will not send to terminated parties)

Date Filed	#	Docket Text
07/07/2025	<u>1</u>	Notice of APPEAL FROM BANKRUPTCY COURT. Bankruptcy Court case number 25-40976. by Appellant The People of the State of California. (Attachments: # <u>1</u> ECF No. 910: Order (I) Approving (A) the Debtors Entry into the Sale Transaction Documents, (B) The Sale to the Purchaser of the Acquired Assets Free and Clear of All Liens, Claims, Interests, and Encumbrances, and (C) The Assumption and Assignment of Certain Executory Contracts and Unexpired, # <u>2</u> ECF No. 909: Order Addressing Objections to Proposed Sale and Related Matters, # <u>3</u> ECF No. 908: Memorandum Opinion)(JWD) (Entered: 07/07/2025)
07/07/2025		Transmission of Bankruptcy Appeal Record. Documents listed below may be viewed at [Bankruptcy Court Pacer] (RE: related document(s) 908 Opinion, 909 Order (Generic), 910 Order on Chapter 11 First Day Motion, 932 Notice of Appeal and Statement of Election filed by Interested Party The People of the State of California) (JWD) (Entered: 07/07/2025)
07/07/2025	2	Electronic Notice – Application for Admission needed as to Paul M. Basta. Review of case shows that Attorney Paul M. Basta is not currently a member of our Bar. For instructions on applying for bar admission or moving for pro hac vice admission, please follow the instructions located on our website at https://www.moed.uscourts.gov under the Attorney tab. Notice only, no.pdf attached. (JWD) (Entered: 07/07/2025)
07/07/2025	3	Electronic Notice – Application for Admission needed as to Christopher Hopkins. Review of case shows that Attorney Christopher Hopkins is not currently a member of our Bar. For instructions on applying for bar admission or moving for pro hac vice admission, please follow the instructions located on our website at https://www.moed.uscourts.gov under the Attorney tab. Notice only, no.pdf attached. (JWD) (Entered: 07/07/2025)
07/07/2025	4	Electronic Notice – Application for Admission needed as to William A. Clareman. Review of case shows that Attorney William A. Clareman is not currently a member of our Bar. For instructions on applying for bar admission or moving for pro hac vice

		admission, please follow the instructions located on our website at https://www.moed.uscourts.gov under the Attorney tab. Notice only, no.pdf attached. (JWD) (Entered: 07/07/2025)
07/07/2025	<u>5</u>	Electronic Notice – Application for Admission needed as to Jeffrey Recher. Review of case shows that Attorney Jeffrey Recher is not currently a member of our Bar. For instructions on applying for bar admission or moving for pro hac vice admission, please follow the instructions located on our website at https://www.moed.uscourts.gov under the Attorney tab. Notice only, no.pdf attached. (JWD) (Entered: 07/07/2025)
07/07/2025		Case Opening Notification. Judge Assigned: Honorable Matthew T. Schelp. Pursuant to Local Rule 2.09, every nongovernmental corporate party or nongovernmental corporation that seeks to intervene in any case, and every party or intervenor in an action in which jurisdiction is based upon diversity, must file a Disclosure Statement immediately upon entering its appearance in the case. Please complete and file the certificate as soon as possible. (moed-0001.pdf) . (JWD) (Entered: 07/07/2025)
07/07/2025	<u>6</u>	CASE MANAGEMENT ORDER – TRACK 4: BANKRUPTCY APPEAL This case is assigned to Track: 4. Dispositive Motions due by 7/17/2025. (JWD) (Entered: 07/07/2025)
07/07/2025	<u>7</u>	DECLARATION filed by Appellant The People of the State of California <i>Declaration of Daniel M.B. Nadal in support of Emergency Motion for Stay Pending Appeal.</i> (Attachments: # <u>1</u> Exhibit Ex A – Bkr Dkt 908 – Memorandum Opinion, # <u>2</u> Exhibit Ex B – Bkr Dkt 909 – Order Addressing Objections to Proposed Sale and Related, # <u>3</u> Exhibit Ex C – Bkr Dkt 910 – Sale Order, # <u>4</u> Exhibit Ex D – Bkr Dkt 30 – Debtors' First Day Motion to Sell, # <u>5</u> Exhibit Ex E – Bkr Dkt 125 – Bidding Procedures Order, # <u>6</u> Exhibit Ex F – Bkr Dkt 657 – Order Establishing Final Proposals, # <u>7</u> Exhibit Ex G – Bkr Dkt 420 – Debtors' Notice of Successful and Backup Bidders, # <u>8</u> Exhibit Ex H – Bkr Dkt 683 – The People's Objection, # <u>9</u> Exhibit Ex I – Bkr Dkt 739 – Notice of Winning Bidder, # <u>10</u> Exhibit Ex J – Bkr Dkt 746 – Debtors' Adjournment and Equity Toggle Election, # <u>11</u> Exhibit Ex K – Bkr Dkt 769 – People's Suppl. Objection, # <u>12</u> Exhibit Ex L – Bkr Dkt 771 – Debtor's Omnibus Reply, # <u>13</u> Exhibit Ex M – Excerpts from Hrg Tr. for 06–18–2025, # <u>14</u> Exhibit Ex N – Bkr Dkt 945 – People's Motion for Stay Pending Appeal, # <u>15</u> Exhibit Ex O – Bkr Dkt 959 – Order on California's Motion for Stay Pending Appeal)(Nadal, Daniel) (Entered: 07/07/2025)
07/07/2025	<u>8</u>	Emergency MOTION to Stay <i>Pending Appeal</i> by Appellant The People of the State of California. (Nadal, Daniel) (Entered: 07/07/2025)
07/07/2025	<u>9</u>	ENTRY of Appearance by Bernard Ardavan Eskandari for Appellant The People of the State of California. (Eskandari, Bernard) (Entered: 07/07/2025)
07/07/2025	<u>10</u>	ORDER: IT IS HEREBY ORDERED that Appellant the People of the State of California's Emergency Motion for a Stay Pending Appeal, Doc. <u>8</u> , is GRANTED. IT IS FURTHER ORDERED that an in-person hearing will be held in this matter on Thursday, July 10, 2025, at 2:00 p.m., in Courtroom Sixteen South (16-S) of the Thomas F. Eagleton United States Courthouse. (In Court Hearing set for 7/10/2025 02:00 PM in Courtroom 16S – St. Louis before District Judge Matthew T. Schelp.) Signed by District Judge Matthew T. Schelp on July 7, 2025. (BRP) (Entered: 07/07/2025)
07/08/2025	<u>11</u>	Emergency MOTION to Consolidate Cases Consolidate with higher case number 25cv1001 and 25cv1002 by Interested Party Center for Applied Values and Ethics in

		Advancing Technology (CAVEAT). (Sant, John) (Entered: 07/08/2025)
07/08/2025	<u>12</u>	ENTRY of Appearance by Joshua M. Watts for Interested Party JMB Capital Partners Lending, LLC. (Watts, Joshua) (Entered: 07/08/2025)
07/08/2025	<u>13</u>	ENTRY of Appearance by Nicholas J. Zluticky for Interested Party Official Committee of Unsecured Creditors. (Zluticky, Nicholas) (Entered: 07/08/2025)
07/08/2025	<u>14</u>	NOTICE Errata to Emergency Motion: by Appellant The People of the State of California (Nadal, Daniel) (Entered: 07/08/2025)
07/08/2025	<u>15</u>	MEMORANDUM in Support of Motion re <u>11</u> Emergency MOTION to Consolidate Cases Consolidate with higher case number 25cv1001 and 25cv1002 filed by Interested Party Center for Applied Values and Ethics in Advancing Technology (CAVEAT). (Sant, John) (Entered: 07/08/2025)
07/08/2025	<u>24</u>	ORDER: IT IS HEREBY ORDERED that the Emergency Motion to Consolidate, Doc. <u>11</u> , is GRANTED. See E.D. Mo. L.R. 4.03. IT IS FURTHER ORDERED that the following civil matters, Center for Applied Values and Ethics in Advanced Technologies et al v. 23andMe Holding Co., 4:25-cv-01001-SEP and Center for Applied Values and Ethics in Advanced Technologies et al v. 23andMe Holding Co., 4:25-cv-01002-SEP, are CONSOLIDATED with this matter before the undersigned. IT IS FURTHER ORDERED that all future documents in these consolidated cases shall be filed in this matter. IT IS FINALLY ORDERED that the Clerk of Court is respectfully directed to file a copy of this Order in each of the above consolidated cases. Signed by District Judge Matthew T. Schelp on July 8, 2025. (BRP) Modified on 7/10/2025 (ANR). (Entered: 07/09/2025)
07/09/2025	<u>16</u>	Corrected MEMORANDUM in Support of Motion re <u>11</u> Emergency MOTION to Consolidate Cases Consolidate with higher case number 25cv1001 and 25cv1002 filed by Interested Party Center for Applied Values and Ethics in Advancing Technology (CAVEAT). (Sant, John) Modified on 7/10/2025 (ANR). (Entered: 07/09/2025)
07/09/2025	<u>17</u>	ENTRY of Appearance by Jeffrey J. Kalinowski for Interested Party JMB Capital Partners Lending, LLC. (Kalinowski, Jeffrey) (Entered: 07/09/2025)
07/09/2025	<u>18</u>	ENTRY of Appearance by Miranda Swift for Interested Party Official Committee of Unsecured Creditors. (Swift, Miranda) (Entered: 07/09/2025)
07/09/2025	<u>19</u>	MOTION for Leave to Appear Pro Hac Vice James A. Copeland. The Certificate of Good Standing was attached.(Filing fee \$150 receipt number AMOEDC-11355400) by Interested Party JMB Capital Partners Lending, LLC. (Attachments: # <u>1</u> Certificate of Good Standing Certificate of Good Standing)(Copeland, James) (Entered: 07/09/2025)
07/09/2025	<u>20</u>	ENTRY of Appearance by David M. Unseth for Interested Party TTAM Research Institute. (Unseth, David) (Entered: 07/09/2025)
07/09/2025	<u>21</u>	ENTRY of Appearance by Katherine Elizabeth Spewak for Interested Party TTAM Research Institute. (Spewak, Katherine) (Entered: 07/09/2025)
07/09/2025	<u>22</u>	ENTRY of Appearance by Barbara A. Smith for Interested Party TTAM Research Institute. (Smith, Barbara) (Entered: 07/09/2025)
07/09/2025	<u>23</u>	ENTRY of Appearance by John Talbot Sant, Jr for Interested Party Center for Applied Values and Ethics in Advancing Technology (CAVEAT). (Sant, John) (Entered:

		07/09/2025)
07/09/2025	<u>25</u>	RESPONSE to Motion re <u>8</u> Emergency MOTION to Stay <i>Pending Appeal</i> filed by Interested Party TTAM Research Institute. (Attachments: # <u>1</u> Exhibit California Motion to Stay, # <u>2</u> Exhibit July 7, 2025 Hearing Transcript, # <u>3</u> Exhibit Proof of Claim No. 6440, # <u>4</u> Exhibit June 18, 2025 Hearing Transcript, # <u>5</u> Exhibit Order Approving Sale, # <u>6</u> Exhibit June 20, 2025 Hearing Transcript, # <u>7</u> Exhibit TTAM APA)(Spewak, Katherine) (Entered: 07/09/2025)
07/09/2025	<u>26</u>	MOTION for Leave to Appear Pro Hac Vice Joseph O. Larkin. The Certificate of Good Standing was attached.(Filing fee \$150 receipt number AMOEDC-11356412) by Interested Party TTAM Research Institute. (Attachments: # <u>1</u> Certificate of Good Standing Certificate of Good Standing)(Larkin, Joseph) (Entered: 07/09/2025)
07/09/2025	<u>27</u>	ENTRY of Appearance by J. Vincent Keady, Jr for Consolidated Filer Official Committee of Unsecured Creditors. (Keady, J.) (Entered: 07/09/2025)
07/09/2025	<u>28</u>	MOTION for Leave to Appear Pro Hac Vice Jason R. Adams. The Certificate of Good Standing was attached.(Filing fee \$150 receipt number AMOEDC-11356664) by Consolidated Filer Official Committee of Unsecured Creditors. (Attachments: # <u>1</u> Certificate of Good Standing)(Adams, Jason) (Entered: 07/09/2025)
07/09/2025	<u>29</u>	Docket Text ORDER Re: <u>26</u> Motion for Leave to Appear Pro Hac Vice Joseph O. Larkin. The Certificate of Good Standing was attached.(Filing fee \$150 receipt number AMOEDC-11356412) by Interested Party TTAM Research Institute; <u>19</u> Motion for Leave to Appear Pro Hac Vice James A. Copeland. The Certificate of Good Standing was attached.(Filing fee \$150 receipt number AMOEDC-11355400) by Interested Party JMB Capital Partners Lending, LLC; <u>28</u> Motion for Leave to Appear Pro Hac Vice Jason R. Adams. The Certificate of Good Standing was attached.(Filing fee \$150 receipt number AMOEDC-11356664) by Consolidated Filer Official Committee of Unsecured Creditors ; ORDERED GRANTED. Signed by District Judge Matthew T. Schelp on 07/09/2025. (KCD) (Entered: 07/09/2025)
07/09/2025	<u>30</u>	ORDER: IT IS HEREBY ORDERED that the public will be able to listen to the audio of the hearing being held on July 10, 2025, at 2:00 p.m., CT, in Courtroom 16-South of the Thomas F. Eagleton United States Courthouse, in St. Louis, Missouri, concerning the People of the State of California's Motion for a Stay Pending Appeal, on the Court's YouTube channel. Members of the public may access the Court's YouTube channel at https://www.youtube.com/c/USCourtsMOED . Pursuant to E.D. Mo. L.R. 13.02, all means of photographing, recording, broadcasting, and televising this hearing are prohibited. Accordingly, audio of the proceeding, in full or in part, may not be recorded, broadcasted, or televised. Signed by District Judge Matthew T. Schelp on July 9, 2025. (BRP) (Entered: 07/09/2025)
07/09/2025	<u>31</u>	ENTRY of Appearance by Thomas H Riske for Appellee 23andMe Holding Co.. (Riske, Thomas) (Entered: 07/09/2025)
07/09/2025	<u>32</u>	ENTRY of Appearance by Nathan R. Wallace for Appellee 23andMe Holding Co.. (Wallace, Nathan) (Entered: 07/09/2025)
07/09/2025	<u>33</u>	Corporate Disclosure Statement by Appellee 23andMe Holding Co.. (Wallace, Nathan) Modified on 7/10/2025 – changed from motion to DOIC (ANR). (Entered: 07/09/2025)
07/09/2025	<u>34</u>	

		MOTION for Leave to Appear Pro Hac Vice Maeghan J. McLoughlin. The Certificate of Good Standing was attached.(Filing fee \$150 receipt number AMOEDC-11356812) by Consolidated Filer Official Committee of Unsecured Creditors. (Attachments: # <u>1</u> Certificate of Good Standing)(McLoughlin, Maeghan) (Entered: 07/09/2025)
07/09/2025	<u>35</u>	RESPONSE in Opposition re <u>1</u> Notice of APPEAL FROM BANKRUPTCY COURT. Bankruptcy Court case number 25-40976. <i>to the People of the State of California's Emergency Motion for a Stay Pending Appeal</i> filed by Appellee 23andMe Holding Co.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit G, # <u>7</u> Exhibit H, # <u>8</u> Exhibit I, # <u>9</u> Exhibit J, # <u>10</u> Exhibit K)(Wallace, Nathan) (Entered: 07/09/2025)
07/09/2025	<u>36</u>	SUPPLEMENTAL re <u>35</u> Response in Opposition to Motion, // <i>Exhibit F to Response</i> by Appellee 23andMe Holding Co.. (Riske, Thomas) Modified on 7/10/2025 (ANR). (Entered: 07/09/2025)
07/09/2025	<u>37</u>	NOTICE Errata to Memorandum in Support of Emergency Motion: by Consolidated Filers Lisa A. Berkley, PhD, Arthur L. Caplan, Center for Applied Values and Ethics in Advancing Technology (CAVEAT), Robert Cook-Deegan, MD, Andrea Downing, Elizabeth Dreicer, Nanette Elster, JD, MPH, Linda MacDonald Glenn, JD, Camille Nebeker, EdD, MS, Kayte Spector-Bagdady, JD, Paul Root Wolpe, Ph.D. (Sant, John) (Entered: 07/09/2025)
07/10/2025	<u>38</u>	NOTICE of Filing Deficiency re <u>33</u> MOTION for Disclosure // <i>Corporate Disclosure Statement</i> filed by Appellee 23andMe Holding Co.. In accordance with Eastern District of Missouri Local Rules and the Case Management/Electronic Case Filing (CM/ECF) Procedures Manual, a filing deficiency has been identified as follows: Please fill out and file the Court-provided Disclosure Statement (MOED-0001), which can be found on the Court's website under the Forms section. Additionally, please use the correct filing event, Disclosure Statement, which can be found under Civil – Other Filings – Other Documents. An amended Disclosure Statement must be filed. (ANR) (Entered: 07/10/2025)
07/10/2025	<u>39</u>	NOTICE of Filing Deficiency re <u>35</u> Response in Opposition to Motion, filed by Appellee 23andMe Holding Co.. In accordance with Eastern District of Missouri Local Rules and the Case Management/Electronic Case Filing (CM/ECF) Procedures Manual, a filing deficiency has been identified as follows: The attorney's signature on the signature block must match the name of the e-filer. <i>This is an informational notice and no further action is needed at this time.</i> All future filings must be in compliance with this rule. (ANR) (Entered: 07/10/2025)
07/10/2025	<u>40</u>	[Document refiled in error. Duplicate copy of # <u>35</u>.] RESPONSE in Opposition re <u>1</u> Notice of APPEAL FROM BANKRUPTCY COURT. Bankruptcy Court case number 25-40976. <i>to the People of the State of California's Emergency Motion for a Stay Pending Appeal</i> filed by Appellee 23andMe Holding Co.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K)(Riske, Thomas) Modified on 7/10/2025 (BRP). (Entered: 07/10/2025)
07/10/2025	<u>41</u>	SUPPLEMENTAL re <u>40</u> Response in Opposition to Motion, <i>Amended Exhibit B</i> by Appellee 23andMe Holding Co.. (Riske, Thomas) (Entered: 07/10/2025)
07/10/2025	<u>42</u>	AMENDED DISCLOSURE STATEMENT by 23andMe Holding Co., GSK plc. (Riske, Thomas) Modified on 7/11/2025 (ANR). (Entered: 07/10/2025)

07/10/2025	<u>43</u>	MOTION for Leave to Appear Pro Hac Vice Jeffrey Recher. The Certificate of Good Standing was attached.(Filing fee \$150 receipt number AMOEDC-11357999) by Debtor 23andMe Holding Co., Appellee 23andMe Holding Co.. (Attachments: # <u>1</u> Certificate of Good Standing)(Recher, Jeffrey) (Entered: 07/10/2025)
07/10/2025	<u>44</u>	MOTION for Leave to Appear Pro Hac Vice Christopher Hopkins. The Certificate of Good Standing was attached.(Filing fee \$150 receipt number AMOEDC-11358032) by Debtor 23andMe Holding Co., Appellee 23andMe Holding Co.. (Attachments: # <u>1</u> Certificate of Good Standing)(Hopkins, Christopher) (Entered: 07/10/2025)
07/10/2025	<u>45</u>	DISCLOSURE STATEMENT by TTAM Research Institute, TTAM Research Company, LLC, TTAM Employee Company, LLC.. (Unseth, David) (Entered: 07/10/2025)
07/10/2025	<u>46</u>	Appellee's BRIEF re <u>8</u> Emergency MOTION to Stay Pending Appeal by 23andMe Holding Co. . (Attachments: # <u>1</u> Exhibit A)(Riske, Thomas) Modified on 7/11/2025 (ANR). (Entered: 07/10/2025)
07/10/2025	<u>47</u>	ENTRY of Appearance by Martin J. Buckley for Consolidated Filer Center for Applied Values and Ethics in Advancing Technology (CAVEAT). (Buckley, Martin) (Entered: 07/10/2025)
07/10/2025	<u>48</u>	ELECTRONIC MINUTE ENTRY (no pdf attached) for proceedings held before District Judge Matthew T. Schelp: In Court Hearing held on 7/10/2025. The Court hears arguments from counsel. The Court rules from the bench. Order to issue. (Court Reporter:Pamela Harrison, Pamela_Harrison@moed.uscourts.gov, 314-244-7987) (proceedings started: 2:03 PM) (proceedings ended: 3:13 PM) (Deputy Clerk: B. Porter)(Appearance for Appellants: Bernard Eskandari, Martin Buckley; John Sant Jr.)(Appearance for Appellee: Christopher Hopkins, Jeffrey Recher, Thomas Riske) (Appearance for Interested Parties: Katherine Spewak; David Unseth; Joseph Larkin) (BRP) (Entered: 07/10/2025)
07/10/2025	<u>49</u>	ORDER: For the reasons explained on the record in the hearing held in this matter this same date, IT IS HEREBY ORDERED that Appellants' Motions for Stay Pending Appeal in this consolidated matter are DENIED. IT IS FURTHER ORDERED that, to allow Appellants the ability to seek review in the United States Court of Appeals, the Administrative Stay previously entered in this matter preventing any transfer of identifiable California consumer biological samples and genetic data, see Doc. <u>10</u> , shall remain in effect until 11:59 p.m. CDT on Friday, July 11, 2025, at which point such administrative stay will terminate automatically. See Brady v. Nat'l Football League, 638 F.3d 1004, 1005 (8th Cir. 2011) (recognizing that the "purpose" of an administrative stay is "to give the court sufficient opportunity to consider the merits of the motion for a stay pending appeal"); United States v. Texas, 144 S. Ct. 797, 798 (2024) (Barrett, J., concurring) (recognizing administrative stays do not reflect a court's "consideration of the merits" of an appellant's motion); Fed. R. App. P. 8(a)(1)(A) (recognizing that a district court may "stay" a "judgment or order" pending appeal); cf. Fed. Bank. R. 6004(h), 6006(d). Signed by District Judge Matthew T. Schelp on July 10, 2025. (BRP) (Entered: 07/10/2025)
07/10/2025	<u>50</u>	MOTION for Leave to Appear Pro Hac Vice William Clareman. The Certificate of Good Standing was attached.(Filing fee \$150 receipt number AMOEDC-11359115) by Debtor 23andMe Holding Co., Appellee 23andMe Holding Co.. (Attachments: # <u>1</u> Certificate of Good Standing)(Clareman, William) (Entered: 07/10/2025)
07/10/2025	<u>51</u>	

		TRANSCRIPT ORDER REQUEST for 48 (entire proceeding on 7/10/25 hearing) by 23andMe Holding Co.. (Wallace, Nathan) (Entered: 07/10/2025)
07/10/2025	<u>52</u>	TRANSCRIPT ORDER REQUEST for 48 (<i>entire proceeding on 07/10/2025 hearing</i>) by The People of the State of California. (Nadal, Daniel) (Entered: 07/10/2025)
07/10/2025	<u>53</u>	Docket Text ORDER Re: <u>44</u> MOTION for Leave to Appear Pro Hac Vice Christopher Hopkins; <u>43</u> MOTION for Leave to Appear Pro Hac Vice Jeffrey Recher; <u>50</u> MOTION for Leave to Appear Pro Hac Vice William Clareman; <u>34</u> MOTION for Leave to Appear Pro Hac Vice Maeghan J. McLoughlin; ORDERED GRANTED. Signed by District Judge Matthew T. Schelp on 7/10/2025. (BRP) (Entered: 07/10/2025)
07/10/2025	<u>54</u>	TRANSCRIPT ORDER REQUEST for 48 (entire proceeding on 7/10/25 hearing) by TTAM Research Institute. (Spewak, Katherine) (Entered: 07/10/2025)
07/10/2025	<u>55</u>	NOTICE OF APPEAL as to <u>49</u> Order,,, by Appellant The People of the State of California. Filing fee \$ 605, receipt number AMOEDC-11359297. (Attachments: # <u>1</u> Doc 49 – Order) (Entered: 07/10/2025)
07/10/2025	<u>57</u>	TRANSCRIPT of 48 (MOTION HEARING) held on 7/10/2025 before Judge Schelp. Court Reporter/Transcriber Pamela Harrison, Pamela_Harrison@moed.uscourts.gov, 314-244-7987. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/31/2025. Redacted Transcript Deadline set for 8/11/2025. Release of Transcript Restriction set for 10/8/2025. (KXS) (Entered: 07/11/2025)
07/10/2025	<u>58</u>	Initial Notification from USCA for <u>55</u> Notice of Appeal filed by The People of the State of California; USCA Appeal Number: 25-2361(ANR) (Entered: 07/11/2025)
07/10/2025	<u>59</u>	Briefing Schedule from USCA for <u>55</u> Notice of Appeal filed by The People of the State of California; USCA Appeal Number: 25-2361; Transcript due: 08/19/2025 (See attached document for all other deadlines.)(ANR) (Entered: 07/11/2025)
07/11/2025	<u>56</u>	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by clerk to USCA regarding <u>49</u> Order. Notice of Appeal filed on 7/10/25 by Appellant The People of the State of California. NOTIFICATION TO COUNSEL AND PRO SE PARTY: FILE REQUEST FOR TRANSCRIPT WITH DISTRICT COURT CLERKS OFFICE.(JWD) (Entered: 07/11/2025)
07/11/2025	<u>60</u>	NOTICE OF APPEAL as to <u>49</u> Order by Consolidated Filers Lisa A. Berkley, PhD, Arthur L. Caplan, Alexander M. Capron, Center for Applied Values and Ethics in Advancing Technology (CAVEAT), Robert Cook-Deegan, MD, Andrea Downing, Elizabeth Dreicer, Nanette Elster, JD, MPH, Linda MacDonald Glenn, JD, Camille Nebeker, EdD, MS, Kayte Spector-Bagdady, JD, Paul Root Wolpe, Ph.D. Filing fee \$ 605 paid (Receipt AMOEDC-11360590). (Attachments: # <u>1</u> Exhibit A)(KXS) (Entered: 07/11/2025)
07/11/2025	<u>61</u>	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by clerk to USCA regarding <u>49</u> Order. Notice of Appeal filed on 7/11/25 by Consolidated Filer Plaintiffs Lisa A. Berkley, PhD, Arthur L. Caplan, Alexander M. Capron, Center for Applied Values and Ethics in Advancing Technology (CAVEAT), Robert Cook-Deegan, MD, Andrea Downing, Elizabeth Dreicer, Nanette Elster, JD, MPH, Linda MacDonald Glenn, JD, Camille Nebeker, EdD, MS, Kayte Spector-Bagdady, JD, Paul Root

		Wolpe, Ph.D.. NOTIFICATION TO COUNSEL AND PRO SE PARTY: FILE REQUEST FOR TRANSCRIPT WITH DISTRICT COURT CLERKS OFFICE.(JWD) (Entered: 07/11/2025)
07/11/2025	<u>62</u>	ENTRY of Appearance by Adrian P. Sulser for Consolidated Filer Plaintiffs Lisa A. Berkley, PhD, Arthur L. Caplan, Alexander M. Capron, Center for Applied Values and Ethics in Advancing Technology (CAVEAT), Robert Cook-Deegan, MD, Andrea Downing, Elizabeth Dreicer, Nanette Elster, JD, MPH, Linda MacDonald Glenn, JD, Camille Nebeker, EdD, MS, Kayte Spector-Bagdady, JD, Paul Root Wolpe, Ph.D.. (Sulser, Adrian) (Entered: 07/11/2025)

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

THE PEOPLE OF THE STATE OF)	
CALIFORNIA, <i>et al.</i> ,)	
)	
Appellants,)	
)	
vs.)	Case No. 4:25-cv-0999-MTS
)	
23ANDME HOLDING CO., <i>doing business</i>)	Consol. Appeal of 4:25-bk-40976
<i>as</i> VG ACQUISITION CORP.,)	
)	
Appellee.)	

ORDER

For the reasons explained on the record in the hearing held in this matter this same date,

IT IS HEREBY ORDERED that Appellants' Motions for Stay Pending Appeal in this consolidated matter are **DENIED**.

IT IS FURTHER ORDERED that, to allow Appellants the ability to seek review in the United States Court of Appeals, the Administrative Stay previously entered in this matter preventing any transfer of identifiable California consumer biological samples and genetic data, *see* Doc. [10], shall remain in effect until **11:59 p.m. CDT on Friday, July 11, 2025**, at which point such administrative stay will terminate automatically. *See Brady v. Nat'l Football League*, 638 F.3d 1004, 1005 (8th Cir. 2011) (recognizing that the “purpose” of an administrative stay is “to give the court sufficient opportunity to consider the merits of the motion for a stay pending appeal”); *United States v. Texas*, 144 S. Ct. 797, 798 (2024) (Barrett, J., concurring) (recognizing administrative stays do not reflect a

court's "consideration of the merits" of an appellant's motion); Fed. R. App. P. 8(a)(1)(A) (recognizing that a district court may "stay" a "judgment or order" pending appeal); *cf.* Fed. Bank. R. 6004(h), 6006(d).

Dated this 10th day of July 2025.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THE PEOPLE OF THE STATE OF)
CALIFORNIA, et. al.,)
)
Appellants,)
)
Vs.) Case No. 4:25-cv-0999-MTS
)
23 AND ME Holding Co., d/b/a) Consol. Appeal of 4:25-bk-40976
VG ACQUISITION CORP.,)
)
Appellee)

**NOTICE OF APPEAL OF TO THE UNITED STATES COURT OF APPEALS FOR THE
EIGHTH CIRCUIT**

COME NOW certain current and former members of 23andMe Holding Co. and Amici Curiae The University of California, Santa Cruz Center for Applied Values and Ethics in the Advancing Technologies (CAVEAT), members of the Global BioData Trust Bioethics Committee (Linda MacDonald Glenn, JD, LLM, Lisa A. Berkley, PhD, Alexander M. Capron, LLB, Camille Nebeker, EdD, MS, Nanette Elster, JD, MPH, Arthur L. Caplan, PhD, Paul Root Wolpe, PhD, Kayte Spector-Bagdady, JD, MBe, Robert Cook-Deacon, M.D., Anrea Downing and Elizabeth Dreicer), by and though counsel, and appeal to the United States Court of Appeals for the Eighth Circuit from the Order of the District Court for the Eastern District of Missouri, Eastern Division, entered on July 10, 2025, denying Appellants' Emergency Motion for a Stay Pending Appeal. A copy of the Order entered on July 10, 2025 (Doc. 49) is attached as Exhibit A.

The parties to the Order appealed from and the names and addresses of their respective attorneys are as follows:

1. Debtors and Debtors in Possession, represented by:

CARMODY MCDONALD, P.C.

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2. Interested party, TTAM Research Institute, represented by:

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3. **California Department of Justice/Attorneys for the People of the State of California**

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4. Other parties filed appearances in the District Court.

Respectfully submitted,

BUCKLEY, ENGELBART & CHAPELL, LLC

By: /s/ Adrian P. Sulser

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*Attorneys for Appellants CAVEAT and members
of the Global BioData Trust Bioethics Committee*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 11th day of July, 2025, a copy of the above and foregoing was filed electronically with the Clerk of the Court, using the CM/ECF system, with copies to be served all counsel of record by operation of the Court's electronic filing system.

/s/ Adrian P. Sulser

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THE PEOPLE OF THE STATE OF)
CALIFORNIA, *et al.*,)
Appellants,)
vs.) Case No. 4:25-cv-0999-MTS
23ANDME HOLDING CO., *doing business*) Consol. Appeal of 4:25-bk-40976
as VG ACQUISITION CORP.,)
Appellee.)

ORDER

For the reasons explained on the record in the hearing held in this matter this same date,

IT IS HEREBY ORDERED that Appellants' Motions for Stay Pending Appeal in this consolidated matter are **DENIED**.

IT IS FURTHER ORDERED that, to allow Appellants the ability to seek review in the United States Court of Appeals, the Administrative Stay previously entered in this matter preventing any transfer of identifiable California consumer biological samples and genetic data, *see* Doc. [10], shall remain in effect until **11:59 p.m. CDT on Friday, July 11, 2025**, at which point such administrative stay will terminate automatically. *See Brady v. Nat'l Football League*, 638 F.3d 1004, 1005 (8th Cir. 2011) (recognizing that the “purpose” of an administrative stay is “to give the court sufficient opportunity to consider the merits of the motion for a stay pending appeal”); *United States v. Texas*, 144 S. Ct. 797, 798 (2024) (Barrett, J., concurring) (recognizing administrative stays do not reflect a

EXHIBIT A

court's "consideration of the merits" of an appellant's motion); Fed. R. App. P. 8(a)(1)(A) (recognizing that a district court may "stay" a "judgment or order" pending appeal); *cf.* Fed. Bank. R. 6004(h), 6006(d).

Dated this 10th day of July 2025.


MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE

US Court of Appeals - Eighth Circuit
NOA Supplement**Caption:**

The People of the State of California v. 23andMe Holding Co.

USCA#:**Case Number:**

4:25-CV-00999 MTS

Plaintiff:The University of California, Santa Cruz Center for Applied
Values and Ethics in the Advancing Technologies (CAVEAT)
et al**Defendant:**

23andMe Holding Co.

Attorney:

SEE DOCKET SHEET

Attorney:

SEE DOCKET SHEET

Court Reporter(s):

Pamela Harrison

Please return files and documents to:

Clerk for Eastern District of Missouri

Person to contact about the appeal:

Jason Dockery at 314-244-7935

Length of trial

Fee:

IFP:

Pending IFP Motion

N/A

[PAID]

None

No

Counsel:

Pending Motions:

Local Interest:

Simultaneous Release:

Yes

No

No

No

Criminal Cases/Prisoner Pro Se Cases Only:Is defendant incarcerated?: NoWhere: **Please list all other defendants in this case if there were multiple defendants:**